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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/654,998	08/31/2000	Cameron Gene O'Rourke	007.0157.01	7083

29989 7590 02/27/2004

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EXAMINER

NGUYEN, DANG T

ART UNIT PAPER NUMBER

2178

DATE MAILED: 02/27/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/654,998

Applicant(s)

O'ROURKE ET AL.

Examiner

Dang T Nguyen

Art Unit

2178

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 31 August 2000.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-24 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 31 August 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.  
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_ 6) ☐ Other: \_\_\_\_\_

### **DETAILED ACTION**

1. This action is responsive to communications: Application filed on 08/28/2000.
2. Claims 1-24 are pending in this case. Claims 1, 10, and 19 are independent claims.

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**Claims 1 – 6, 8 - 22 and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Popp et al., U.S. patent No. 6,651,108 B2 – filed Aug. 14, 1995 in view of Vandersluis U.S. Patent No. 6,356,920 B1 – filed Mar. 8, 1999.**

**Regarding independent claim 1,** Popp et al. discloses a system for dynamically generating Web content using a parse tree, comprising:

a template describing a dynamically generated Web page (Col. 3 lines 22-25), the template comprising a script written in a tag-delimited page description language (Col. 8 lines 50-53) and including one or more markers which each indicate a relative location within the Web page for dynamic content insertion (Col. 2 lines 35-38); a parse

tree defining display regions (Fig. 2 [216], the parse tree comprising a plurality of nodes structured into levels (Col. 7 lines 65-67 and Col. 8 lines 1-2), each node corresponding to one of the markers in the template (Col. 2 line 59), each successive level representing a further nesting of the markers within the script (Col. 2 lines 33-34);

a parse tree defining display regions, the parse tree comprising a plurality of nodes structured into levels (Fig. 4 Col. 9 lines 6-22), each node corresponding to structural tags specified within the script (Col. 2 lines 35-41), each successive level representing a further nesting of the structural tags within the script (Col. 2 lines 33-34);

However Popp et al. fails to disclose a substitution module substituting each marker with dynamic content.

Figures 14 and 16 of Vandersluis discloses a performing parameter substitution prior to execution of dynamic elements and tree item structure, and Vandersluis teaches inserting the dynamic content into the display region for the substituted marker and processing each node located in a level of the parse tree previous to the node corresponding to the substituted marker (see Col. 7 lines 3-12 and lines 23-45); and a display module serving the Web page script into output buffer with the dynamic content included therein (Fig. 16 [Style 225] Col. 7 lines 37-38).

Popp et al. and Vandersluis are analogous because they both related to dynamically generating data. Therefore, it would be obvious to one having ordinary skill in the art at the time the invention was made to have incorporated Vandersluis's substitution into Popp's generating web page for the purpose of performing requested

parameter substitutions, and executes dynamic elements to produce resulting data elements (see Abstract 11-13).

**Regarding dependent claim 2**, combination of Popp et al. and Vandersluis as applied to claim 1 above, Vandersluis further discloses comprising: the substitution module copying a display region into which dynamic content was previously inserted into the output buffer (Vandersluis, Col. 10 lines 55-57).

**Regarding dependent claim 3**, combination of Popp et al. and Vandersluis as applied to claim 1 above, Vandersluis further discloses comprising: the substitution module deleting a display region into which dynamic content was not previously inserted from the output buffer (Vandersluis, Col. 10 lines 55-57).

**Regarding dependent claim 4**, combination of Popp et al. and Vandersluis as applied to claim 1 above, Popp et al. further discloses comprising: a parser module parsing the script for display regions, comprising identifying matched pairs of select tags within the statements in the script and creating a new node within the parse tree for the markers located between the matched select tag pairs (Popp et al. Col. 2 lines 55-62).

**Regarding dependent claim 5**, combination of Popp et al. and Vandersluis as applied to claim 1 above, Vandersluis further discloses comprising: the substitution module adding a display region to the output buffer when such display region was not previously inserted into the output buffer and iteratively adding a parent display region into the output buffer, each parent display region corresponding to each such node located in a level of the parse tree previous to the node corresponding to the added display region (Vandersluis Col. 13 lines 30-37).

**Regarding dependent claim 6**, combination of Popp et al. and Vandersluis as applied to claim 5 above, Vandersluis further discloses comprising: the substitution module adding a copy of the display region into the output buffer when such display region was not previously substituted and substituting the marker with dynamic content (Vandersluis, Col. 10 lines 55-57).

**Regarding dependent claim 8**, combination of Popp et al. and Vandersluis as applied to claim 1 above, Popp et al. further discloses comprising: a database module retrieving data values from an associated database and applying the retrieved data values as the dynamic content (Popp et al. Col. 5 lines 63-67 and Col. 6 line 1).

**Regarding dependent claim 9**, combination of Popp et al. and Vandersluis as applied to claim 1 above, Vandersluis discloses wherein the page description language is at least one of HTML and XML (Fig. 4a Col. 11 lines 40-55).

**Regarding independent claims 10 and 19**, recite a method and a computer-readable storage medium holding code for dynamically generating Web content using a parse tree which are equivalent to the system as recited in claim 1 and are similarly rejected, as above.

**Regarding dependent claims 11 - 18**, recite a method for dynamically generating Web content using a parse tree which are equivalent to the system as recited in claims 2 - 9 and are similarly rejected, as above.

**Regarding dependent claims 20 - 22**, recite a storage medium for dynamically generating Web content using a parse tree which are equivalent to the system as recited in claims 2 - 4 and are similarly rejected, as above.

**Regarding dependent claim 24**, recite a storage medium for dynamically generating Web content using a parse tree which is equivalent to the system as recited in claim 8 and is similarly rejected, as above.

**Claims 7 and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Popp et al., U.S. patent No. 6,651,108 B2 - filed Aug. 14, 1995 in view of Vandersluis U.S. Patent No. 6,356,920 B1 – filed Mar. 8, 1999, and further view of Ferrel et al. U.S. Patent No. 5,860,073 – filed Jul. 17, 1995.**

**Regarding dependent claim 7**, combination of Popp et al. and Vandersluis as applied to claim 6 above, discloses every aspect of applicant's claimed inventing except for the substitution module adding a copy of the parent display region into the output buffer when such display region comprises a break.

Ferrel et al. on Figure 17, Col. 36 lines 1-13, teaches a page break or no page break would occur in the control region. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have incorporated Ferrel's page break into Popp and Vandersluis 's display region for the purpose of associating the control region with content, and displaying a portion of the content, wherein the displayed content portion is styled with at least one of the styles.

**Regarding dependent claim 23**, recite a storage medium for dynamically generating Web content using a parse tree which is equivalent to the system as recited in claims 5-7 and is similarly rejected, as above.

***Prior art***

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Donohue et al.	Patent No. US 5,987,480	Date of Patent: Nov. 16, 1999
Fitzgerald et al.	Parent No. US 6,292,889 B1	Date of Patent: Sep. 18, 2001
Templeman	Patent No. US 5,845,303	Date of Patent: Dec. 1, 1998
DuFresne	Patent No. US 5,835,712	Date of Patent: Nov. 10, 1998
Krishna et al.	Patent No. US 6,055,522	Date of Patent: Apr.25, 2000

***Conclusion***

5. Any inquiry concerning this communication from the examiner should be directed to Dang Nguyen, who can be reached by telephone at (703) 305-1673. Normal contact times are M-F, 8-4:30.

Upon an unsuccessful attempt to contact the examiner, the examiner's supervisor, Stephen Hong, may be reached at (703) 308-5465.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist, whose telephone number is (703) 305-3900.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks  
Washington, D.C. 20231

Or faxed to:



Art Unit: 2178

(703) 746-7239 (for formal communications intended for entry)

or:


(703) 746-7238 (for after-final communications)

Hand-delivered responses should be brought to

Crystal Park II, 2121 Crystal Drive

Arlington, VA, Fourth Floor (receptionist).

Dang Nguyen 2/13/2004

  
**STEPHEN S. HONG**  
**PRIMARY EXAMINER**